

**Minutes  
City Council/Redevelopment Agency  
City of Huntington Beach**

Monday, February 2, 2004  
5:00 P.M. - Room B-8  
7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting  
and a videotape of the 7:00 p.m. portion of this meeting  
are on file in the Office of the City Clerk.

**Call to Order**

Mayor Green called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
(Councilmember Houchen had requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Absent: Houchen

**Public Comments**

**John Von Holle**, representing Huntington Beach Municipal Employees Association (MEA), informed Council costs are stand-alone for proposed recommended health plan.

**Chuck Scheid** spoke regarding the Consent Calendar agenda item concerning proposed health plan benefits for the Municipal Employees' Association (MEA), and other related items. He stated major employee benefits are being agendized as routine Consent Calendar items and not Administrative items. Mr. Scheid stated he wished to see cost comparisons and that the proposed agenda items be rescheduled.

**(City Council) Study Session Held – Presentation Made by the Police Department Regarding History of the Need for a Firearms Facility, and Land, Cost and Design Considerations of the Proposed Huntington Beach Police Department Gun Range (220.20)**

The City Council considered a communication submitted by Police Chief Kenneth Small transmitting the following **Statement of Issue**: The Huntington Beach City Council has established a committee to explore alternative sites for development of a Police Department firearms training facility. The essential elements involved are land and funding, complemented by an appropriately designed facility. This report will first briefly recount the history behind the need for the firearms facility. It will then consider the land, cost and design aspects. Use of land adjacent to the current helicopter facility has been proposed as a possible location. Other locations, however, should not be ruled out.

Communication submitted by the Chief of Police dated January 7, 2004 and titled *Huntington Beach Police Department Gun Range* was included in the agenda packet.

Police Captain Chuck Thomas presented a PowerPoint report titled *Huntington Beach Law Enforcement Training Facility Feasibility Study*, which was included in the agenda packet. He spoke regarding the Joint Task Force-6 (JTF-6) Alliance grant, stating that this item would receive low priority relative to labor-intensive and cost issues.

Discussion was held among Police Chief Small, Police Captain Thomas, and Council regarding potential gun range locations, SWAT (Special Weapons And Tactics) Team training, and the DEA (Drug Enforcement Agency) sponsorship.

Police Chief Kenneth Small presented an oral report. He assured Council that the Police Officers are being trained properly. Police Chief Small recommended that the project be placed on hold for the time being and continue looking for a location in the future.

### **Motion to Recess to Closed Session – Approved**

A motion was made by Sullivan, second Hardy to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
 NOES: None  
 ABSENT: Houchen

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation, which has been initiated formally and to which the city is a party. The title of the litigation is **Mills Land & Water Company v. City of Huntington Beach, et al.**, Court of Appeal Case No. G020490, Orange County Superior Court Case No. 739412 (“Mills I”). **Mills Land & Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 763624 (“Mills II”). (120.80)

### **Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.**

#### **City Council- Redevelopment Agency Roll Call**

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
 (Councilmember Houchen had requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)  
 Absent: Houchen

**(City Council) City Attorney Continued To a Date Uncertain Closed Session Agenda Item on Monday, February 2, 2004 Re: Mills Land & Water Company v. City of Huntington Beach, et al., Court of Appeal Case No. G020490, Orange County Superior Court Case No. 739412 ("Mills I"). Mills Land & Water Company v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 763624 ("Mills II"). (120.80)**

At the regularly scheduled time for the City Attorney's Report of Action for Closed Session, City Attorney Jennifer McGrath announced that discussion or action concerning litigation on Mills Land & Water had been continued to a date uncertain.

(Subsequent to the City Council meeting City Attorney Jennifer McGrath clarified that on Tuesday, February 2, 2004, she removed the Closed Session item concerning Mills Land & Water Company v. City of Huntington Beach, et al. from the Closed Session agenda. City Attorney McGrath stated Council did not discuss Mills Land & Water and there was no action taken.)

**Pledge of Allegiance** – Led by Mayor Cathy Green

**Invocation** – Led by Dr. Bruce Miller

#### **The Assistant City Clerk Announced Late Communications**

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehling announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by the City Clerk's Office dated February 2, 2004 (untitled) correcting a typographical error regarding the Council meeting date on the staff report, *Request for Council Action* for the City Treasurer's December 2003 Investment Summary Report.

Communication from the Economic Development Director dated February 2, 2004 titled *Late Communication – Item D-1* correcting the Request for Council Action attachment for the staff report.

#### **The Following Additional Late Communications Were Submitted During the Meeting:**

Communication from Dr. John Magrann (undated) titled *Health & Retirement Solutions* including a packet of brochures and information regarding a health plan.

Communication from Leonard Crane (undated) titled *Live Scan (Fingerprint Clearance)* in support of investigation and conducting background checks on prospective employees working with children.

**Presentation** made by Mayor Cathy Green who presented a commendation to the Huntington Beach Junior Midget football team for their outstanding performance in winning the regional championship and winning Fourth Place in the Pop Warner Super Bowl National Championship held in Orlando, Florida. Coach Rhett Heckel accepted the award on behalf of the team. (160.40)

**Presentation** made by Mayor Cathy Green who presented a commendation to Circle View School in the Ocean View School District, for being named a Blue Ribbon School. Dr. Pauline Tressler, Principal of the school, accepted the award. Councilmember Dave Sullivan and Councilmember Gil Coerper co-presented to the entire Board of Trustees, including President Barbara Boskovich and Superintendent of Schools, Dr. James Tarwater. (160.40)

**Presentation** made by Mayor Cathy Green who received a check from the Huntington Beach Police Officers' Association and Huntington Beach Firefighters' Association for \$50,000. The money was raised through the Guns and Hoses Golf Tournament and the money will be donated to the Huntington Beach Search and Rescue. Police Officer Corwin Bales presented the check. Councilmember Gil Coerper, Police Chief Kenneth Small and Fire Chief Duane Olson also presented. (160.40)

**(City Council) Mayor Cathy Green Announced A Need For Poll Workers for the Special Municipal Election on March 2, 2004 ( . )**

Mayor Cathy Green announced the Registrar of Voters is seeking clerks and pollsters to work on Election Day, Tuesday, March 2, 2004 and listed the requirements: A clerk or pollster must be a U.S. citizen and over age 18, and must be able to read and speak English. A clerk or pollster will receive a stipend of \$50 per day and \$20 for mandatory training. Telephone number 714-567-7580 or the Registrar of Voters' website [www.ocvote.org](http://www.ocvote.org) were given for contact information.

**Public Comments**

**George Demos**, representing Free Market Health Care, informed Council of a Medical Savings Account program he believes will help the City financially, relative to a health finance bill recently passed by Congress.

**Dr. John Magrann**, representing Free Market Health Care, continued to inform Council of a Medical Savings Account program he believes will help the City financially, relative to a health finance bill recently passed by Congress. Dr. Magrann distributed *Health & Retirement Solutions* brochures to Council and the City Clerk.

**Firecracker Westwell**, representing the Libertarian Party, delivered a PowerPoint presentation in opposition to Districting – Measure E for reasons of reduced representation. Mr. Westwell informed Council that the Libertarian Party passed a resolution opposing Measure E.

(A copy of Mr. Westwell's PowerPoint presentation titled *Warning Measure E The No-Fair Districting Initiative is Bad for Residents* is on file with the Office of the City Clerk.)

**Leonard Crane** stated the belief that there should not be a charge to investigate and conduct background checks on prospective employees working with children. Mr. Crane distributed a Late Communication titled *Live Scan (Fingerprint Clearance)*.

**Clem Dominguez** spoke regarding the Consent Calendar agenda item concerning a consultant's assistance in processing property tax claims. Mr. Dominguez inquired as to what the consultant is being paid to do relative to the Howard Jarvis Property tax refund claims process.

**Elmer Smith** stated his opposition to Districting Measure E on the March 2, 2004 Special Municipal Election ballot for reasons of reduced representation.

**Peter Albini** voiced his approval of the Council reconsideration of Fourth of July fireworks at the beach and stated reasons he believes fireworks at the beach would benefit the City of Huntington Beach.

**Mary Jo Baretich**, a resident of Cabrillo Mobile Home Park, spoke of efforts being made to clean up the Wetlands in the South East neighborhood and their hopes of keeping the area free from contamination. Ms. Baretich also requested Council to prevent coastline build out by developers and big businesses.

**John McGregor**, a resident of Cabrillo Mobile Home Park, spoke in opposition to beach contamination and the existing AES power plant. Mr. McGregor also spoke in opposition to Districting Measure E on the March 2, 2004 Special Municipal Election ballot, stating his belief that districting would be harmful to the City of Huntington Beach.

**Herb Duysings** spoke in opposition to paying for the proposed refunds being made for the property tax claims and lawsuits paid for by the City.

**Dave Guido** spoke in opposition to the Huntington Beach Police Officers' Association's (HBPOA) support of Districting Measure E on the March 2, 2004 Special Municipal Election ballot. Mr. Guido gave the website [www.nodistricts.org](http://www.nodistricts.org) for contact information.

**Chuck Scheid** spoke concerning proposed costs of processing property tax refunds. Mr. Scheid spoke in opposition to the Huntington Beach Police Officers' Association's (HBPOA) support of Districting Measure E on the March 2, 2004 Special Municipal Election ballot.

**Joey Racano**, representing W.E.V.O.T.E., spoke regarding protecting the Wetlands Coast Land area and its wildlife. He urged Council to support the Coastal Act. Mr. Racano stated opposition to Districting Measure E on the March 2, 2004 Special Municipal Election ballot.

**Ralph Bauer** stated opposition to Districting Measure E on the March 2, 2004 Special Municipal Election ballot. Dr. Bauer named supporters of "No on E" including several former Mayors and Councilmembers such as Grace Winchell, Norma Brandel Gibbs, Shirley Dettloff, Linda Moulton Patterson, and Harriett Weider.

**John Ely** thanked Council for voting against the Poseidon Environmental Impact Report (EIR). Mr. Ely stated opposition to Districting Measure E on the March 2, 2004 Special Municipal Election ballot.

**Rich Kolander** spoke in favor of Districting Measure E stating that one representative is sufficient, as it is with House of Representatives State Assembly and at the County level.

**(City Council) Announcement Made by Mayor Cathy Green of the City Administrator's Request for Removal of Six Consent Calendar Items Re: Proposed Employee Health Plan Benefits from Agenda for Further Discussion ( . )**

Mayor Cathy Green announced that City Administrator Ray Silver requested removal of several Consent Calendar items from the agenda for further discussion. The six agenda items pertained to proposed health plan benefits for employees and elected positions of City Clerk, City Attorney and City Treasurer.

**(City Council) Reviewed and Accepted as Amended Shari Freidenrich, City Treasurer's December 2003 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)**

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for December 2003.

City Treasurer Shari Freidenrich gave a PowerPoint presentation titled *Treasurer's Report Shari L. Freidenrich, CPA, CCMT, CMFA February 2, 2004* which was included in the agenda packet and amended by a Late Communication which was previously announced by Assistant City Clerk Liz Ehling.

City Treasurer Freidenrich requested approval as amended by the Late Communication pertaining to a typographical date error on the *Request for Council Action* which had been previously announced by Assistant City Clerk Liz Ehling.

A motion was made by Hardy, second Boardman to review and accept the monthly report as **amended** to correct a typographical date error on the Request for Council Action. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for December 2003*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Sullivan, Hardy, Green, Boardman, Cook

NOES: None

ABSENT: Houchen (Coerper out of room)

**(City Council) Public Hearing Held – Approved as Amended the Citizens Participation Advisory Board (CPAB) Recommendations of the City's 2003/04 Consolidated Plan Amendment to Appropriate \$250,000 of CDBG (Community Development Block Grant) Unprogrammed Funds for ADA (Americans with Disabilities Act) Improvements to the Civic Center (340.70)**

The City Council considered a communication from the Economic Development Director and the Public Works Director.

Mayor Cathy Green announced that this was the time noticed for a public hearing to consider a proposed amendment to the City's 2003/2004 Consolidated Plan, as required by the U.S. Department of Housing and Urban Development (HUD) for use of \$250,000 in Community Development Block Grant (CDBG) Unprogrammed funds.

The City followed its Citizen Participation Plan. The Citizen Participation Advisory Board (CPAB) holds public hearings on community needs and monthly public meetings. Citizens may review and comment on the draft 2003/2004 Consolidated Plan Amendment at the City of Huntington Beach, Department of Economic Development or at the Central Library. The public comment period will begin December 23, 2003 and end January 21, 2004. Public comments received during this time will be attached to the Consolidated Plan Amendment and sent to HUD.

The following activities are proposed for the 2003/2004 CDBG Consolidated Plan Amendment:

**Civic Center ADA Improvements**

**\$250,000**

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Economic Development Director David Biggs presented a PowerPoint presentation titled *Public Hearing to Amend Consolidated Plan; Request for Funds for Civic Center ADA Improvements* which was included in the agenda packet. Director Biggs reiterated the Late Communication which had been announced by Assistant City Clerk Ehring which corrects Attachment 1 titled *Project 1 – Civic Center ADA Improvements – Priority Description* (substituting the original Attachment 1 titled *Public Works – Unprogrammed Funding Request*, which was included in the agenda packet.)

Mayor Cathy Green declared the public hearing open.

Assistant City Clerk Liz Ehring restated for the record the following Late Communication which pertain to this public hearing:

Communication from the Economic Development Director dated February 2, 2004 titled *Late Communication – Item D-1* correcting the Request for Council Action Attachment 1 for the staff report.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Boardman, second Hardy to:

Conduct Public Hearing to Amend Consolidated Plan **as amended** by the Late Communication to correct Attachment 1 to the staff report (as announced earlier by the Assistant City Clerk);

**and**

Approve amendment **as amended** by the Late Communication to correct Attachment 1 with a replacement Attachment 1 titled *Project 1 – Civic Center ADA Improvements – Priority Description* to the staff report (as announced earlier by the Assistant City Clerk) to the Consolidated Plan by appropriating \$250,000 of CDBG Unprogrammed Funds for ADA Improvements to the Civic Center.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook

NOES: None

ABSENT: Houchen

**Consent Calendar – Items Removed for Separate Discussion**

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Four On-Call Professional Services Agreements for General Civil Engineering with (1.) AKM Consulting Engineers; (2.) Harris and Associates; (3.) Richard Brady & Associates; and (4.) Willdan

(City Council) Appropriation of \$400,000 for Maintenance and Repairs at the Emerald Cove Senior Housing Complex

(City Council) Resolution No. 2004-5 Authorizing the Closing of the First Block of Main Street to Vehicular Traffic for Certain Specific Events (March 27, October 31, and November 21, 2004)

(City Council) Appropriation of FireMed Funds and Approve Agreement between the City and ESI (Employment Systems, Inc.) for Ambulance Operators/ Fire Interns

(City Council) Appropriation and Create Business Unit for the Police Department's State Narcotics Forfeiture Account

(City Council) Appropriation of Funds to Pay Attorney's Fees in Connection with the Settlement in *Howard Jarvis Taxpayers Association, et al., versus City of Huntington Beach, et al.* OCSC Case No. 81870, Court of Appeal, Fourth District, Case No. G029292 (Property Tax Refund Claims)

(City Council) Processing of Incomplete Property Tax Refund Claims (Howard Jarvis Lawsuit)

(City Council) Professional Services Contract between the City and Moreland & Associates, Inc. and Authorize Appropriation for Project Manager Assistance in Processing Property Tax Refund Claims (Howard Jarvis Lawsuit)

**(City Council) Mayor Green Announced The Following Additional Consent Calendar Items Would Be Removed From the Agenda For Separate Consideration By Request of the City Administrator ( . )**

Mayor Cathy Green announced that she would remove the following Consent Calendar agenda items for separate discussion on behalf of City Administrator Ray Silver.

Councilmember Sullivan stated that he would also request the following Consent Calendar agenda items be removed for separate discussion, however, because Mayor Cathy Green removed them on behalf of City Administrator Ray Silver, he would wait for an explanation from Mr. Silver on the items.

(City Council) Resolution No. 2004-6 - Side Letter of Agreement Re: Proposed Health Plan Benefits to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Municipal Employees' Association (MEA)



(City Council) Resolution No. 2004-7 - Side Letter of Agreement Re: Proposed Health Plan Benefits to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Management Employees' Organization (MEO)

(City Council) Resolution No. 2004-8 Modifying Salary and Benefits Re: Proposed Health Plan for Non-Represented (Non-Associated) Employees for Calendar Year 2004

(City Council) Resolution No. 2004-9 Modifying Salary and Benefits Re: Health Plan for Calendar Year 2004 for the Elected City Clerk

(City Council) Resolution No. 2004-10 Modifying Salary and Benefits Re: Health Plan for Calendar Year 2004 for the Elected City Attorney

(City Council) Resolution No. 2004-11 Modifying Salary and Benefits Re: Health Plan for Calendar Year 2004 for the Elected City Treasurer

### **Consent Calendar – Items Approved**

On motion by Sullivan, second Hardy Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman

NOES: None

ABSENT: Houchen (Cook out of room)

ABSTAIN: (Green on Three On-Call Professional Services Contracts for Independent Inspection and Testing with (1.) P. A. and Associates; (2.) AESCO Technologies; and (3.) Harrington Geotechnical Engineering, Inc. due to possible conflict of interest.)

**(City Council/Redevelopment Agency) Minutes** (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of November 3, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Accepted Plans and Specifications and Authorized Advertisement for Newland Avenue Water Pipelines Project; CC-1187** (600.75) – Approved the project plans and specifications and authorized the Director of Public Works to request public bids for the construction of the Newland Avenue Water Pipelines; CC-1187. Submitted by the Public Works Director. Funding Source: Water Master Plan, OC-9 Water Main Account - \$5.3 million dollars; Water Fund, Water Main Replacements - \$450,000; and West Orange County Water Board Water Capital Projects - \$150,000. The preliminary engineer's estimate is \$5.9 million dollars.

**(City Council) Adopted Sole Source Findings to Approve Professional Services Contract between the City and Municipal Software Corporation and Authorized Expenditures for Design and Completion of Phase 1, Plus Phases 2, 3 and 4 of the City Wide Permit System** (600.10) – 1. Adopted findings for a sole source contract and approved and authorized the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and Municipal Software Corporation for Software Design & Implementation Services* in the amount of \$120,000, for the completion of Phase 1, plus phases 2, 3, and 4 of the City Wide Permit System," and 2. Authorized the Director of Building & Safety to expend \$120,000 for Professional Services to complete Phase 1, plus Phases 2, 3, and 4 of the City Wide Permit System. Submitted by the Building & Safety Director. Funding Source: Existing appropriation of \$120,000 in the approved Capital Project Fund budget for Professional Services account.

**(City Council) Approved Three On-Call Professional Services Contracts for Independent Inspection and Testing with (1.) P. A. and Associates; (2.) AESCO Technologies; and (3.) Harrington Geotechnical Engineering, Inc. (600.10)** – Approved and authorized the Mayor and City Clerk to execute: **(1.) Professional Services Contract between the City of Huntington Beach and P.A. & Associates, Inc. for On-Call Testing and Inspection Services** not to exceed \$350,000; **(2.) Professional Services Contract between the City of Huntington Beach and AESCO Technologies for On-Call Testing and Inspection Services** not to exceed \$350,000; and **(3.) Professional Services Contract between the City of Huntington Beach and Harrington Geotechnical Engineering, Inc. for On-Call Testing and Inspection Services** not to exceed \$350,000. Submitted by the Public Works Director. Funding Source: Available within budgeted capital improvement projects.

**(City Council) Authorized Appropriation and Created Business Unit for the Police Department's Property and Evidence Unit (320.10)** – **1.** Established a new business unit and approved the expenditure of those funds to pay for equipment upgrades and related costs within the Police Department; and **2.** Appropriated \$30,000 from the unreserved, undesignated General Fund Balance. Submitted by the Chief of Police. Funding Source: As stated above. The funds will be directly offset from cash and funds from auctioned property held in the Property and Evidence Unit.

**(City Council) Approved Cooperative Agreement between the City and the Orange County Sanitation District for Preparation of Phase II of its Fats, Oils and Grease (FOG) Control Study (600.25)** – Authorized the Mayor and City Clerk to execute the *Agreement* with the Orange County Sanitation District for preparation of Phase II of the FOG Control Study. Submitted by the Public Works Director. Funding Source: The City's fair share cost of \$20,341 is available from the Sewer Service Fund account.

**(City Council/Redevelopment Agency) Approved City and Redevelopment Agency Financial Modifications for Fiscal Years 1991-92 to 2000-01 (Relative to Ocean View Estates Rental Coaches and Shank House Parcels) and Adopted Agency Resolution No. 348 Remitting Transient Occupancy Tax (TOT) Revenues for the Waterfront Beach Hilton (Robert Mayer Corporation) to the Redevelopment Agency (310.30)** – **City Council Actions:** **1.** Approved a debt credit for the Redevelopment Agency applied against General Fund debt for the following: \$39,210 for Ocean View Estates coach rental income; \$92,854 for Ocean View Estates coach sales proceeds; and \$2,886,474 for Business Development expenses from FY 91/92 to FY 00/01; and **2.** Approved a transfer from the Ocean View Estates Fund to the Redevelopment Agency in the amount of \$197,095 from coach sales proceeds; **3.** Reclassified the \$4,339,304 in General Fund overhead charges to the Redevelopment Agency for FY 89/90 and FY 90/91, together with annual accounting charges, as the overhead charges appropriate for the period of 1982 to 2003; and **4.** Authorized acceptance of the deed by the City for Shank House parcels.

**Redevelopment Agency Actions:** **1.** Approved the following modifications to the Redevelopment Agency's 2003-04 Budget: Appropriated \$324,057 as General Fund Overhead Charge; Eliminated \$102,830 Accounting Charge; Reduced Revenue by \$705,000 for Hilton TOT shift to General Fund; and Reduced General Fund Debt Repayment by \$926,227; and **2.** Adopted Agency **Resolution No. 348** – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Electing to Remit to the City of Huntington Beach Transient Occupancy Tax Revenues for the Waterfront Beach Hilton Allocated to the Redevelopment Agency

*Pursuant to Redevelopment Agency Ordinance Nos. 1 and 2,” and 3. Authorized the Agency Chairperson and the Agency Clerk to execute the Grant Deed from the Agency to the City for the Shank House parcels and send to the County for recordation after the City Clerk has affixed the acceptance certificate of the City. Submitted by the Administrative Services Director and the Economic Development Director. Funding Source: The recommended actions and policy direction being affirmed do not result in any expenditures. There will be a number of budget modifications and changes in the balance sheet of the City and Redevelopment Agency as a result of the recommended actions. These will be reflected in the FY 2003-2004 Financial Statement once completed.*

**(City Council) Approved Four On-Call Professional Services Agreements for General Civil Engineering with (1.) AKM Consulting Engineers; (2.) Harris and Associates; (3.) Richard Brady & Associates; and (4.) Willdan (600.10)**

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to receive clarification from staff concerning five year Professional Services Contracts.

Public Works Director Robert F. Beardsley reported ongoing professional business relationships is the reason for extension to five years, versus two or three year contracts.

A motion was made by Sullivan, second Coerper to:

*Approve and authorize the Mayor and City Clerk to execute: (1.) Professional Services Contract between the City of Huntington Beach and AKM Consulting Engineers for As-Needed Engineering Services; (2.) Professional Services Contract between the City of Huntington Beach and Harris and Associates for As-Needed Engineering Services; (3.) Professional Services Contract between the City of Huntington Beach and Richard Brady & Associates for As-Needed Engineering Services; (4.) Professional Services Contract between the City of Huntington Beach and Willdan for As-Needed Engineering Service.*

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook

NOES: None

ABSENT: Houchen

**(City Council) Authorized Appropriation of \$400,000 for Maintenance and Repairs at the Emerald Cove Senior Housing Complex (285.10)**

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar in order to receive clarification from staff regarding the meaning of the word “appropriation” versus the meaning of the word “budgeted.”

Administrative Services Director Clay Martin reported by clarifying the differences between budgeted expenditures and appropriations.

A motion was made by Sullivan, second Coerper to:

Appropriate \$400,000 from the Emerald Cove Enterprise Fund unreserved, undesignated balance for repairs and maintenance to the Emerald Cove Senior Housing Complex.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
NOES: None  
ABSENT: Houchen

**(City Council) Adopted Resolution No. 2004-5 Authorizing the Closing of the First Block of Main Street to Vehicular Traffic for Certain Specific Events (March 27, October 31, and November 21, 2004) (800.60)**

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar in order to emphasize his belief that the first two blocks of Main Street should be closed to vehicular traffic and transformed into a pedestrian mall.

A motion was made by Sullivan, second Coerper to:

Adopt **Resolution No. 2004-5** – *“A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events.*

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
NOES: None  
ABSENT: Houchen

**(City Council) Authorized Appropriation of FireMed Funds and Approved Agreement between the City and ESI (Employment Systems, Inc.) for Ambulance Operators/ Fire Interns (600.10)**

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar in order to receive clarification from staff concerning the increased cost for ambulance services.

Fire Chief Duane Olson reported that the increased cost to the existing contract is due to the increase in Workers' Compensation rates.

A motion was made by Coerper, second Hardy to:

1. Authorize the appropriation of \$85,000 from the Undesignated, Unappropriated FireMed fund balance to the Emergency Ambulance Program account;

**and**

(Continued on the next page)

2. Approve and authorize the Mayor and City Clerk to execute the *Employment Systems, Inc. Agreement to Provide Staffing Services to the City of Huntington Beach* in an amount not to exceed \$630,000 from March through September 2004, \$1,011,363 for Fiscal Year 2004/05 and \$1,021,363 for Fiscal Year 2005/06 to provide leased ambulance operator/fire intern personnel to the city.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman  
 NOES: None  
 ABSENT: Houchen (Cook out of room)

**(City Council) Authorized Appropriation and Created Business Unit for the Police Department's State Narcotics Forfeiture Account (320.10)**

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar in order to receive clarification from staff regarding the reason for establishing the new Business Unit.

Police Chief Kenneth Small reported that the reason for establishing the new Business Unit was for bookkeeping purposes.

A motion was made by Coerper, second Sullivan to:

1. Establish a new State Narcotic Forfeiture expense business unit and approve the expenditure of those funds to pay for costs within the Police Department;

**and**

2. Appropriate \$250,000 from the Narcotics Forfeiture Fund to the newly established expense account.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman  
 NOES: None  
 ABSENT: Houchen (Cook out of room)

**(City Council) Authorized As Amended Appropriation of Funds to Pay Attorney's Fees in Connection with the Settlement in *Howard Jarvis Taxpayers Association,, et al., versus City of Huntington Beach, et al.* OCSC Case No. 81870, Court of Appeal, Fourth District, Case No. G029292 (Property Tax Refund Claims) (320.45)**

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar in order to **amend the recommended action** to add after the word "agreement" – "entered into with the Howard Jarvis Taxpayers Association for their Attorney's fees in the litigation, Howard Jarvis Taxpayers Association, et al vs. City of Huntington Beach, et al, OCSC Case No. 818780; Court of Appeal, Fourth District, Case No. G029292."

A motion was made by Sullivan, second Hardy to:

Appropriate \$250,000 from Fund 707, the Employees' Rate Contingency fund (identified as impounded property tax override revenue from FY 2000-01) to fund the agreement **as amended** "entered into with the Howard Jarvis Taxpayers Association for their Attorney's fees in the litigation, Howard Jarvis Taxpayers Association, et al vs. City of Huntington Beach, et al, OCSC Case No. 818780; Court of Appeal, Fourth District, Case No. G029292."

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
NOES: None  
ABSENT: Houchen

**(City Council) Approved As Amended Processing of Incomplete Property Tax Refund Claims (Howard Jarvis Lawsuit) (120.25)**

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar in order to receive clarification from staff concerning incomplete property tax refund claim forms.

Principal Administrative Analyst Peter Grant reported on the recommended actions.

Councilmember Sullivan stated he would make a motion to **amend the recommended action** to allow incomplete property tax refund claims received before January 5, 2004 to be completed and refiled within 35 days (**amended to change from 30 days**) of the date the city mails notification of an incomplete claim to the claim filer.

A motion was made by Sullivan, second Coerper to:

1. Allow property tax refund claims without original signatures to be processed when the claim can be verified electronically;

**and**

2. Allow incomplete property tax refund claims received before January 5, 2004 to be completed and refiled **as amended** within 35 days of the date the city mails notification of an incomplete claim to the claim filer.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
NOES: None  
ABSENT: Houchen

**(City Council) Approved Professional Services Contract between the City and Moreland & Associates, Inc. and Authorize Appropriation for Project Manager Assistance in Processing Property Tax Refund Claims (Howard Jarvis Lawsuit) (600.10)**

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar in order to receive clarification from staff regarding the procedure for processing of property tax refund claims.

Councilmember Sullivan stated his belief that the city property tax refund claim process requires assistance and expertise.

Principal Administrative Analyst Peter Grant reported regarding the process of verifying the claims filed including electronic verification of signatures. He described phases of processing the claims and stated there are still procedures to finalize.

A motion was made by Sullivan, second Coerper to:

1. Authorize the Mayor and City Clerk to approve the *Professional Services Contract between the City of Huntington Beach and Moreland & Associates, Inc. for Project Manager Assistance Processing Property Tax Override Refunds* to assist in processing property tax refund claims;

**and**

2. Appropriate \$250,000 from Fund 707, the Employees' Rate Contingency fund (identified as impounded property tax override revenue from FY 2000-01) to fund the agreement.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
NOES: None  
ABSENT: Houchen

Councilmember Sullivan stated that he would have requested the following six Consent Calendar agenda items pertaining to employee health benefits be removed for separate discussion, however, because Mayor Cathy Green removed them on behalf of City Administrator Ray Silver, he would wait for further clarification.

**(City Council) Adopted Resolution No. 2004-6 Approving a Side Letter of Agreement Re: Proposed Health Plan Benefits to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Municipal Employees' Association (MEA) (720.20)**

Mayor Cathy Green requested that this agenda item be removed from the Consent Calendar, on behalf of City Administrator Ray Silver, for discussion and an oral report by Assistant City Administrator William Workman.

Assistant City Administrator William Workman informed Council of changes in proposed city employee health plan benefits concerning; 1) the City Plan and Health Net health care options will

be discontinued and 2) Blue Shield and Kaiser Permanente health coverage plans will be substituted. Mr. Workman stated there would be no change in employee wages or salaries.

A motion was made by Coerper, second Hardy to:

Adopt **Resolution No. 2004-6** – “*A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Municipal Employees’ Association, by Adopting the Side Letter of Agreement.*”

The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Boardman, Cook  
NOES: Sullivan  
ABSENT: Houchen

**(City Council) Adopted Resolution No. 2004-7 Approving a Side Letter of Agreement Re: Proposed Health Plan Benefits to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Management Employees’ Organization (MEO) (720.20)**

Mayor Cathy Green requested that this agenda item be removed from the Consent Calendar, on behalf of City Administrator Ray Silver, for discussion and an oral report by Assistant City Administrator William Workman.

Assistant City Administrator William Workman informed Council of changes in proposed city employee health plan benefits concerning; 1) the City Plan and Health Net health care options will be discontinued and 2) Blue Shield and Kaiser Permanente health coverage plans will be substituted. Mr. Workman stated there would be no change in employee wages or salaries.

A motion was made by Coerper, second Hardy to:

Adopt **Resolution No. 2004-7** – “*A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Management Employees’ Organization, by Adopting the Side Letter of Agreement.*”

The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Boardman, Cook  
NOES: Sullivan  
ABSENT: Houchen

**(City Council) Adopted as Amended - to Remove Modifying Salary - Resolution No. 2004-8 Modifying Salary and Benefits Re: Proposed Health Plan for Non-Represented (Non-Associated) Employees for Calendar Year 2004 (720.20)**

Mayor Cathy Green requested that this agenda item be removed from the Consent Calendar, on behalf of City Administrator Ray Silver, for discussion and an oral report by Assistant City Administrator William Workman.

Assistant City Administrator William Workman informed Council of changes in proposed city employee health plan benefits concerning; 1) the City Plan and Health Net health care options will



be discontinued and 2) Blue Shield and Kaiser Permanente health coverage plans will be substituted. Mr. Workman stated there would be no change in employee wages or salaries.

Discussion was held concerning the wording regarding modification of salary on Resolution No. 2004-8.

City Administrator Ray Silver recommended removing the words regarding modification of salary from the resolution because there would be no modification of salary.

A motion was made by Coerper, second Hardy to:

Adopt **as amended to remove Modifying Salary** from **Resolution No. 2004-8** – “*A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Calendar Year 2004 for Non-Represented Employees.*”

The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Boardman, Cook

NOES: Sullivan

ABSENT: Houchen

**(City Council) Adopted Resolution No. 2004-9 Modifying Salary and Benefits Re: Health Plan for Calendar Year 2004 for the Elected City Clerk (700.90)**

Mayor Cathy Green requested that this agenda item be removed from the Consent Calendar, on behalf of City Administrator Ray Silver, for discussion and an oral report by Assistant City Administrator William Workman.

Assistant City Administrator William Workman informed Council of changes in proposed city employee health plan benefits concerning; 1) the City Plan and Health Net health care options will be discontinued and 2) Blue Shield and Kaiser Permanente health coverage plans will be substituted. Mr. Workman stated there would be no change in wages or salaries.

A motion was made by Coerper, second Hardy to:

Adopt **Resolution No. 2004-9** – “*A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for Calendar Year 2004 for the Elected City Clerk.*”

The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Boardman, Cook

NOES: Sullivan

ABSENT: Houchen

**(City Council) Adopted Resolution No. 2004-10 Modifying Salary and Benefits Re: Health Plan for Calendar Year 2004 for the Elected City Attorney (700.90)**

Mayor Cathy Green requested that this agenda item be removed from the Consent Calendar, on behalf of City Administrator Ray Silver, for discussion and an oral report by Assistant City Administrator William Workman.

Assistant City Administrator William Workman informed Council of changes in proposed city employee health plan benefits concerning; 1) the City Plan and Health Net health care options will be discontinued and 2) Blue Shield and Kaiser Permanente health coverage plans will be substituted. Mr. Workman stated there would be no change in wages or salaries.

A motion was made by Coerper, second Hardy to:

Adopt **Resolution No. 2004-10** – *“A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for Calendar Year 2004 for the Elected City Attorney.”*

The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Boardman, Cook  
NOES: Sullivan  
ABSENT: Houchen

**(City Council) Adopted Resolution No. 2004-11 Modifying Salary and Benefits Re: Health Plan for Calendar Year 2004 for the Elected City Treasurer (700.90)**

Mayor Cathy Green requested that this agenda item be removed from the Consent Calendar, on behalf of City Administrator Ray Silver, for discussion and an oral report by Assistant City Administrator William Workman.

Assistant City Administrator William Workman informed Council of changes in proposed city employee health plan benefits concerning; 1) the City Plan and Health Net health care options will be discontinued and 2) Blue Shield and Kaiser Permanente health coverage plans will be substituted. Mr. Workman stated there would be no change in wages or salaries.

A motion was made by Coerper, second Hardy to:

Adopt **Resolution No. 2004-11** – *“A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for Calendar Year 2004 for the Elected City Treasurer.”*

The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Boardman, Cook  
NOES: Sullivan  
ABSENT: Houchen

**(City Council) Announcements Made Regarding the Pacific Marathon**

Mayor Pro Tem Jill Hardy announced the 2004 Pacific Marathon as being a success.

Mayor Pro Tem Jill Hardy thanked the Municipal Employees Association (MEA) for volunteer participation in the marathon. She especially thanked Accounting Technician II Elizabeth Bodine who assisted in an emergency medical situation.

Councilmember Coerper also expressed his appreciation to Assistant City Administrator Workman for his early morning participation in the Pacific Marathon.

**(City Council) Announcements Made by Councilmember Sullivan re: Los Angeles Times News Coverage and the 3% at 50 Retirement Benefit for Safety Officers ( . )**

Councilmember Sullivan expressed his disappointment concerning the Los Angeles Times for what he believes is non-coverage of Orange County, including the Pacific Marathon. He commended The Independent for local news coverage.

Councilmember Sullivan spoke regarding what he believes to be the high cost of 3% at age 50 retirement benefits.

**(City Council) Announcement Made by Mayor Cathy Green re: Registrar of Voters Recruitment of Clerks and Pollsters for March 2, 2004 Special Municipal Election ( . )**

Mayor Green re-announced that the Registrar of Voters is recruiting for clerks and pollsters and she listed the requirements: A clerk or pollster must be a U.S. citizen and over age 18, must be able to read and speak English. The clerk or pollster will receive a stipend of \$50 per day and \$20 for mandatory training. 714-567-7580 or the Registrar of Voters Website [www.ocvote.org](http://www.ocvote.org) were given for contact.

**(City Council) Congratulations Extended to Morgan Fullmer on Becoming an Eagle Scout ( . )**

Mayor Green congratulated Morgan Fullmer on becoming an Eagle Scout.

**(City Council) Gratitude Expressed to Huntington Beach Police Department for Armed Guard Service of Governor Schwarzenegger ( . )**

Mayor Green announced that Congressman Rohrbacher thanked the Huntington Beach Police Department for their professionalism in guarding Governor Schwarzenegger during his recent visit to Huntington Beach.

**(City Council) Announcement of Banquet in Honor of Community Emergency Response Team (CERT) and Radio Amateur Citizens Emergency Services (RACES) ( . )**

Mayor Cathy Green announced that the Community Emergency Response Team (CERT) and Radio Amateur Citizens Emergency Services (RACES) volunteers were honored with a banquet for their hard work.

**(City Council) Huntington Beach Firefighters Honored by Congressman Rohrbacher for Assistance in California Wildfires ( . )**

Mayor Green also announced that the Huntington Beach Firefighters were honored by Congressman Rohrbacher for their help during the recent wildfires in California.

**Adjournment – City Council/Redevelopment Agency**

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Tuesday, February 17, 2004, at 5:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

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City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

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City Clerk-Clerk

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Mayor-Chairman